

U.S. Patent Application No. 09/938,894
Amendment dated July 19, 2005
Reply to Office Action of April 19, 2005

REMARKS

Continued examination is requested and in order. The claims have been amended to feature a system including a sample holder and an analyte-manipulation device having a portion of a sample held therein, wherein the portion of the sample has been removed from the sample holder. The art of record fails to disclose or suggest such a system. Reconsideration and withdrawal of all of the rejections set forth in the April 19, 2005, Office Action are respectfully requested.

Various combinations of the claims have been rejected under 35 U.S.C. § 102(b) and/or under 35 U.S.C. § 103 over Papp, Chang, Hoffman, Dahms, Goldstein, WO '173, WO '219, and various combinations of those references. The Examiner asserts that the previous claims recited merely functional language and did not explicitly define the instant invention structurally in a manner that reads free of the prior art. For the reasons set forth below, these rejections are respectfully traversed.

Claims 26-38 now each positively recite and clearly define a system that comprises both a sample holder and an analyte-manipulation device. Furthermore, claims 26-28 recite that the sample container holds a first sample and that a portion of the first sample is held by the analyte-manipulation device outside of the sample holder. Claims 29-38 now further recite that the sample holder holds a first sample and the analyte-manipulation device retains a portion of a polarizable analyte present in the first sample removed from the sample holder. These structural features of claims 26-38 clearly distinguish the claimed invention from the cited art and define patentable subject matter. Accordingly, reconsideration and withdrawal of all the art-based rejections are respectfully requested.

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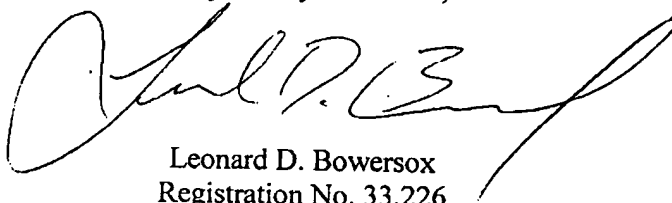
CONCLUSION

For at least the reasons discussed in detail above, Applicants submit that independent claims 26 and 29, and dependent claims 27-28 and 30-38, are patentable over each of the applied references, whether taken alone or in combination. Withdrawal of all rejections and timely issuance of a Notice of Allowance are respectfully requested.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Leonard D. Bowersox
Registration No. 33,226

KILYK & BOWERSOX, P.L.L.C.
3603-E Chain Bridge Road
Fairfax, VA 22030
Tel.: (703) 385-9688
Fac.: (703) 385-9719